

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rutheron & Plaza Blanca,

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default of the for the following defendants in the Rutheron and Plaza Blanca subsection of Section 7:

Kryan B. Kemper CHRU-001-0005

Trudy M. Kemper CHRU-001-0005

Olga Arreguin CHRU-004-0043

Robert Arreguin CHRU-004-0043

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named defendants was entered on January 18, 2005 (Docket No. 7715).

2. The above-named defendants have recently contacted the State to discuss the State’s offer concerning their water rights in Section 7. They have signed the State’s proposed Consent Order and forwarded the approved order to the State, or they have requested that the State send them an

additional copy of the proposed order to review.

3. Good cause exists to set aside the entry of default with respect to the defendants named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for defendants Kryan B. Kemper, Trudy M. Kemper, Olga Arreguin and Robert Arreguin.

DATED: April 8, 2005

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion to Set Aside Entry of Default were mailed to following persons on April 11, 2005.

/s/ Ed Newville
Edward G. Newville

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